



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jean-Pierre Giraud

Group Art Unit:
3653

Application No.

09/751,191

Filing Date:

December 29, 2000

Examiner:

Michael E. Butler

Attorney Docket: 62357.013900

For: Meter Strip Dispenser Assembly

PETITION AND REQUEST TO RESCIND NOTICE OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Technology Center 3600
SPE Donald Walsh

RECEIVED

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GROUP 3600

Dear Sir:

Upon review of the Patent Application Information Retrieval (PAIR) System, the undersigned discovered that the above-captioned application has become abandoned. Although a Notice of Abandonment was issued on June 2, 2004, the Notice was sent to the undersigned's previous law firm, hence the delay in the undersigned's receipt of the actual Notice.

CERTIFICATE OF MAIL UNDER 37 CFR 1.8

Date: July 1, 2004

I hereby certify that this paper, along with any document or paper referred to as being attached, is being deposited with the United States Postal Service as First Class Mail with sufficient postage under 37 CFR 1.8 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Randi Flamenbaum

(Name of person mailing correspondence)

Randi Flamenbaum
(Signature of person mailing correspondence)

1. January 20, 2004, a Request for Continued Examination (RCE) accompanied by a Petition and fee for a one month extension of time, a Preliminary Amendment in response to the July 17, 2003 Office Action and a self addressed stamped postcard was submitted to the U.S. Patent and Trademark Office. For the convenience of the Office, the undersigned has attached a copy of the RCE request as well as the Petition for Extension, Preliminary Amendment and postcard;
2. The Preliminary Amendment became detached from the RCE somewhere at the Patent Office. The undersigned has also attached a copy of the USPTO date stamped postcard-confirming receipt by the Office of each of the aforementioned documents.
3. A paralegal for Assignee spoke with Examiner Michael Butler on June 23, 2004 regarding the Notice of Abandonment. At that time, Examiner Butler indicated that he had made a search of the Patent Office for the detached Preliminary Amendment but was unable to locate the document. The Examiner indicated that the Notice of Abandonment was issued in an attempt to get applicant's attention for the re-submission of the Preliminary Amendment.

In view of the above, the applicant respectfully petitions the Office to rescind the Notice of Abandonment and reinstate the pendency of this application. Moreover, applicant requests that the Examiner review the January 20, 2004 Preliminary Amendment and issue an action on the merits.

Although no fee is believed to be due in connection with this Petition as the de-attachment of the Preliminary Amendment from the RCE was clearly a PTO error, the undersigned hereby authorizes the Commissioner to charge any fee, which may be deemed due in connection with this filing to the undersigned deposit account 501561.

Respectfully submitted,



Barry J. Schindler
Registration No. 32,938

Greenberg Traurig, LLP
885 Third Avenue, 21st Floor
New York, New York 10022
Telephone: (212) 801-2100
Facsimile: (212) 688-2449
E-mail: SchindlerB@gtlaw.com

Applicant (s): Jean Pierre Giraud Date Mailed: 01/20/04
Application : 09/751,191 Attorney: BJS/rsf
Filed: 12/29/2000 Docket No: 62357-013900

Title: METER STRIP DISPENSER ASSEMBLY

Receipt is hereby acknowledged by return of this postal card properly stamped by the US PTO for the above noted matter of the following:

- (1) Request for Continued Examination (RCE) Transmittal *for e/i minor amendments*
- (2) Fee Transmittal Authorization to Deduct the amount of \$860.00 (\$475.3 mos *cost*)
ext & \$385 RCE) from the deposit account 501561.
- (3) Petition for extension of time.
- (4) Self-addressed stamped Post Card to acknowledge receipt of documents attached.

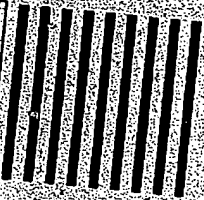
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PATENT APPLICATION INFORMATION RETRIEVAL



Search results for application number: 09/751,191			
Application Number:	09/751,191	Customer Number:	-
Filing or 371(c) Date:	12-29-2000	Status:	Abandoned -- Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	06-01-2004
Examiner Name:	BUTLER, MICHAEL E	Location:	FILE REPOSITORY (FRANCONIA)
Group Art Unit:	3653	Location Date:	06-03-2004
Confirmation Number:	8524	Earliest Publication No:	US 2002-0104849 A1
Attorney Docket Number:	5094.035	Earliest Publication Date:	08-08-2002
Class/ Sub-Class:	221/235	Patent Number:	-
First Named Inventor:	Jean-Pierre Giruad, Paris, (FR)	Issue Date of Patent:	-
Title Of Invention:	Meter strip dispenser assembly		

Search Options

☐ Continuity Data

File History	
Date	Contents Description
06-02-2004	Mail Abandonment for Failure to Respond to Office Action
06-01-2004	Abandonment for Failure to Respond to Office Action
01-20-2004	Workflow - Request for RCE - Begin
07-17-2003	Mail Final Rejection (PTOL - 326)
07-14-2003	Final Rejection
07-07-2003	Correspondence Address Change
04-30-2003	Date Forwarded to Examiner
04-21-2003	Response after Non-Final Action
04-21-2003	Request for Extension of Time - Granted
12-13-2002	Mail Non-Final Rejection
11-18-2002	Non-Final Rejection
08-26-2002	Date Forwarded to Examiner
08-09-2002	Response to Election / Restriction Filed
06-27-2002	Mail Restriction Requirement
06-19-2002	Requirement for Restriction / Election
03-26-2002	Case Docketed to Examiner in GAU

03-26-2002	Case Docketed to Examiner in GAU
03-26-2002	Case Docketed to Examiner in GAU
01-14-2002	Rescind Nonpublication Request for Pre Grant Publication
12-29-2000	Miscellaneous Incoming Letter
06-18-2001	New or Additional Drawing Filed
08-30-2001	Case Docketed to Examiner in GAU
07-26-2001	Transfer Inquiry
07-17-2001	Application Dispatched from OIPE
02-15-2001	Application Is Now Complete
02-15-2001	Notice Mailed--Application Incomplete--Filing Date Assigned
02-14-2001	Correspondence Address Change
01-18-2001	IFW Scan & PACR Auto Security Review
12-29-2000	Initial Exam Team nn

CIT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Jean Pierre Giraud
SERIAL NO.: 09/751,191
FILED: December 29, 2000
ATTY. DOCKET: 62357.013900
TITLE: METER STRIP DISPENSER ASSEMBLY

EXPRESS MAIL CERTIFICATE

Express Mail Label No. EV 316897969 US

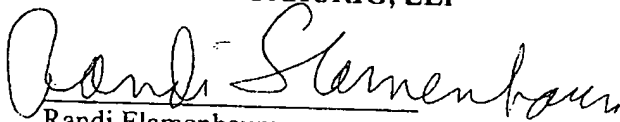
Date of Deposit: January 20, 2004

I hereby certify that the following attached paper(s) and/or fee

- (1) Request for Continued Examination (RCE) Transmittal;
- (2) Preliminary amendment for RCE;
- (3) Fee Transmittal Authorization to Deduct the amount of \$860.00 (\$475-3 mos. Ext & \$385-RCE) from the deposit account 501561;
- (4) Petition for Extension;
- (5) A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents.

are being deposited with the United States Postal Service Express Mail Post Office to Addressee service under 37 C.F.R. Section 1.10 on the date indicated above and is addressed to Mail Stop RCE; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,
GREENBERG TRAURIG, LLP


Randi Flamenbaum
Legal Assistant

Dated: January 20, 2004

CORRESPONDENCE:

Barry J. Schindler, Esq.
GREENBERG TRAURIG, LLP
885 Third Avenue, 21st Floor
New York, NY 10022
Tele: (212) 801-2100
Fax: (212) 688-2449

Applicant(s) Jean Pierre Giraud Date Mailed 01/20/04

Application 09/751,191 Attorney R/S/rsf

Filed 12/29/2000 Docket No. 63357-013900

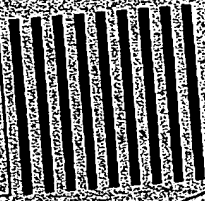
Title MEER STRIP DISPENSER ASSEMBLY

Receipt is hereby acknowledged by return of this postal card properly stamped by the US PTO for the above noted matter of the following

- (1) Request for Continued Examination (RCE) Transmittal Fee \$100.00 (No fee)
- (2) Fee Transmittal Authorization to Deduct the amount of \$360.00 (\$475.30 less ext. & \$385 RCE from the deposit account 501361)
- (3) Petition for extension of time
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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 62357.013900
In re Application of Jean Pierre Giraud		
Application Number 09/751,191	Filed 12/29/2000	
For METER STRIP DISPENSER ASSEMBLY		
Group Art Unit 3653	Examiner Michael E. Butler	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ <u>950</u>
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 475.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 501561.
I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

☒ attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) 32,938.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

January 20, 2004

Date

Signature

Barry J. Schindler, Reg. No.: 32,938

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 860

Complete if Known

Application Number 09/751.191
Filing Date December 29, 2000
First Named Inventor Jean Pierre Giraud
Examiner Name Michael E. Butler
Art Unit 3653
Attorney Docket No. 62357.013900

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 501561
Deposit Account Name GREENBERG TRAUIG LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	475
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	385
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 860

SUBMITTED BY

Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone	Date
Barry J. Schindler	32,938	212-801-2244	1/20/2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)
62357.013900

In re Application of Jean Pierre Giraud

Application Number 09/751,191

Filed 12/29/2000

For METER STRIP DISPENSER ASSEMBLY

Group Art Unit 3653

Examiner
Michael E. Butler

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\$ _____

☐ Two months (37 CFR 1.17(a)(2))

\$ _____

☒ Three months (37 CFR 1.17(a)(3))

\$ 950

☐ Four months (37 CFR 1.17(a)(4))

\$ _____

☐ Five months (37 CFR 1.17(a)(5))

\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 475☐ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 501561

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☒ attorney or agent of record.☒ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) 32,938

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January 20, 2004

Date


Signature

Barry J. Schindler, Reg. No.: 32,938

Typed or printed name

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Filing Date December 29, 2000
First Named Inventor Jean Pierre Giraud
Examiner Name Michael E. Butler
Art Unit 3653
Attorney Docket No. 62357.013900

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 501561
Deposit Account Name GREENBERG TRAURIG LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims - 20** = X =
Independent Claims - 3** = X =
Multiple Dependent =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
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1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
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SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
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1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
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1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	475
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1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	385
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 860

SUBMITTED BY

Name (Print/Type) Barry J. Schindler Registration No. 32,938 Telephone 212-801-2244
Signature [Signature] (Attorney/Agent) Date 1/20/2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EV316897969US

PTO/SB/30 (01-03)

Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request For Continued Examination (RCE) Transmittal Address to: Commissioner for Patents Box RCE Washington, DC 20231	Application Number	09/751,191
	Filing Date	December 29, 2000
	First Named Inventor	Jean Pierre Giraud
	Art Unit	3653
	Examiner Name	Michael E. Butler
	Attorney Docket Number	62357.013900

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____

iii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/ Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 501561

i. ☒ RCE fee required under 37 CFR 1.17(e)

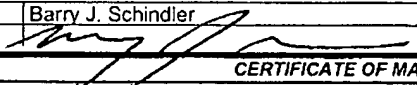
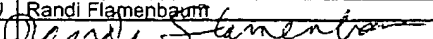
ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Barry J. Schindler	Registration No. (Attorney/Agent)	32,938
Signature		Date	1/20/2004
CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.			
Name (Print/Type)	Randi Flamenbaum	Date	1/20/2004
Signature			

Page 1 of 2

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box RCE, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jean-Pierre Giraud	:	Group Art Unit: 3653
Serial No.: 09/751,191	:	Examiner: Michael E. Butler
Filed: December 29, 2000	:	Attorney Docket No.: 62357.013900
For: METER STRIP DISPENSER	:	
ASSEMBLY	:	

PRELIMINARY AMENDMENT IN RESPONSE TO JULY 17, 2003 OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

INTRODUCTORY COMMENTS:

This Preliminary Amendment is filed in reply to the Office Action issued by the U.S. Patent and Trademark Office on July 17, 2003 in connection with the above-identified patent application. The July 17, 2003 Office Action provided a period of 3 months in which to file a response, i.e., by October 17, 2003. A petition for a three-month extension of time is being filed concurrently herewith. Accordingly, a reply to the July 17, 2003 Office Action would have been due on January 17, 2004. However, January 17, 2004 was a Saturday and Monday, January 19, 2004 was a Federal Holiday. Thus, a reply to the July 17, 2003 Office Action is now due January 20, 2004 and this Amendment is being timely filed.

AMENDMENTS TO THE CLAIMS:

The listing of the claims will replace all prior versions, and listings of claims in the application:

Listing Of Claims:

1. (currently amended) A meter strip dispensing assembly for dispensing a test strip, comprised of:
 - a housing;
 - a container for holding test strips, the container positioned within the housing;
 - a moveable body moveable between: (i) a first position that engages a test strip and displaces the test strip partially out of the ~~container~~ housing through a container opening; and (ii) a second position that engages the test strip and displaces the test strip substantially entirely out of the ~~container~~ housing through the container opening;
 - an actuator located on the housing, which actuator comprises a push button mechanism;
 - and
 - a moveable mechanism that connects the moveable body to the actuator;
 - wherein: (a) when the push button mechanism of the actuator is pushed, the moveable mechanism drives the moveable body to the first position; and (b) when the push button mechanism of the actuator is pushed again, the moveable mechanism drives the moveable body to the second position; and
 - wherein the moveable body cycles back and forth upon repeated pushing of the push button mechanism of the actuator.
2. (previously presented) The meter strip dispensing assembly of claim 1, wherein the container is further comprised of:
 - a vial; and
 - a cassette positioned within the vial in which the test strips reside.
3. (previously presented) The meter strip dispensing assembly of claim 2, wherein the cassette has a top surface, is substantially open on a bottom surface, has sidewalls extending downward from the top surface, and has apertures provided on opposing sidewalls.
4. (previously presented) The meter strip dispensing assembly of claim 3, further comprised of a lift apparatus, the lift apparatus comprised of: a lift movably mounted over a vertically extending element having a top end and a bottom end, the bottom end resting on the

vial bottom; and a biasing element situated over the vertically extending element, the lift resting against the biasing element which biases the lift towards the top end of the vertically extending element; wherein at least a portion of the lift is positioned within the cassette and is provided with a surface upon which test strips can rest.

5. (currently amended) The meter strip dispensing assembly of claim 4, wherein the cassette is provided with a vertically extending slot extending substantially from the bottom surface to substantially the top surface; wherein at least a part of the lift surface is situated within the cassette and the vertically extending element is positioned outside the cassette.

6. (previously presented) The meter strip dispensing assembly of claim 1, wherein the movable mechanism is comprised of at least one lever engaged at a first end to the actuator and at a second end to the movable body.

7. (previously presented) The meter strip dispensing assembly of claim 4, wherein the movable mechanism is comprised of at least one lever engaged at a first end to the actuator and at a second end to the movable body, and the movable body is positioned to move in and out of one of the apertures in the cassette.

8. (previously presented) The meter strip dispensing assembly of claim 5, wherein the movable mechanism is comprised of at least one lever engaged at a first end to the actuator and at a second end to the movable body, and the movable body is positioned to move in and out of one of the apertures in the cassette.

9. (previously presented) The meter strip dispensing assembly of claim 3, further comprised of a lift apparatus, the lift apparatus comprised of: a lift provided with a threaded aperture mounted over a vertically extending threaded element having a top end and a bottom end, the vertically extending threaded element extending into an aperture in a bottom of the vial; means for rotating the vertically extending threaded element, wherein the lift moves upward in response to a rotation of the vertically extending threaded element, wherein at least a portion of the lift is positioned within the cassette and is provided with a surface upon which test strips can rest.

10. (previously presented) The meter strip dispensing assembly of claim 9, wherein the cassette is provided with a vertically extending slot extending from substantially the bottom surface to substantially the top surface; wherein at least a part of the lift surface is situated within the cassette and the vertically extending threaded element is positioned outside the

cassette.

11. (previously presented) The meter strip dispensing assembly of claim 3, wherein the cassette is enclosed within the vial, the vial being provided with a movable lip seal located in substantially the same plan as at least one aperture in the cassette, the lip seal being provided on a sidewall of the vial and is openable in response to a force applied from inside the vial when a test strip is moved against the seal.

12. (previously presented) The meter strip dispensing assembly of claim 11, wherein the lip seal is formed by blending an effective amount of elastomer with a carrier thermoplastic material used to construct the vial.

13. (previously presented) The meter strip dispensing assembly of claim 2, wherein the vial is further comprised of a desiccant plastic.

46. (new) The meter strip dispensing assembly of claim 4, wherein the lift apparatus is situated entirely within the cassette.

47. (new) The meter strip dispensing assembly of claim 9, wherein the lift apparatus is situated entirely within the cassette.

48. (new) The meter strip dispensing assembly of claim 1, wherein the container is further comprised of a desiccant plastic.

REMARKS:

Claims 1-13 and 46 - 48 are presented for examination. Of note, it is respectfully submitted that the pending claims, as amended, continue to recite subject matter directed to what the examiner had referred to as "Invention I" in the Restriction Requirement issued June 27, 2002 in the above-identified application.

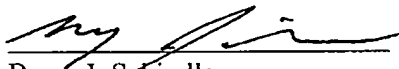
Reconsideration is respectfully requested of the rejection of claim 5 and dependent claim 8 under 35 U.S.C. 112, second paragraph. As suggested by the examiner, claim 14 has been amended hereby to recite that the "slot extending substantially from ..."

It is noted that this Amendment is fully supported by the originally filed application and thus, no new matter has been added.

Based on the pending July 17, 2003 Office Action where the Examiner expressly states that the pending claims "are allowed," Applicant respectfully submits that the current amendment to the claims in no way should change the Examiner's decision. For this reason, applicant respectfully requests that the a "Notice of Allowance" be promptly issued.

Respectfully submitted,
GREENBERG TRAURIG

Dated: January 20, 2004

By: 
Barry J. Schindler
Registration No. 32,938

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PATENT APPLICATION INFORMATION RETRIEVAL



Search results for application number: 09/751,191			
Application Number:	09/751,191	Customer Number:	-
Filing or 371(c) Date:	12-29-2000	Status:	Abandoned -- Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	06-01-2004
Examiner Name:	BUTLER, MICHAEL E	Location:	FILE REPOSITORY (FRANCONIA)
Group Art Unit:	3653	Location Date:	06-03-2004
Confirmation Number:	8524	Earliest Publication No:	US 2002-0104849 A1
Attorney Docket Number:	5094.035	Earliest Publication Date:	08-08-2002
Class/ Sub-Class:	221/235	Patent Number:	-
First Named Inventor:	Jean-Pierre Giruad, Paris, (FR)	Issue Date of Patent:	-
Title Of Invention:	Meter strip dispenser assembly		

Search Options

[Continuity Data](#)

File History	
Date	Contents Description
06-02-2004	Mail Abandonment for Failure to Respond to Office Action
06-01-2004	Abandonment for Failure to Respond to Office Action
01-20-2004	Workflow - Request for RCE - Begin
07-17-2003	Mail Final Rejection (PTOL - 326)
07-14-2003	Final Rejection
07-07-2003	Correspondence Address Change
04-30-2003	Date Forwarded to Examiner
04-21-2003	Response after Non-Final Action
04-21-2003	Request for Extension of Time - Granted
12-13-2002	Mail Non-Final Rejection
11-18-2002	Non-Final Rejection
08-26-2002	Date Forwarded to Examiner
08-09-2002	Response to Election / Restriction Filed
06-27-2002	Mail Restriction Requirement
06-19-2002	Requirement for Restriction / Election
03-26-2002	Case Docketed to Examiner in GAU

03-26-2002	Case Docketed to Examiner in GAU
03-26-2002	Case Docketed to Examiner in GAU
01-14-2002	Rescind Nonpublication Request for Pre Grant Publication
12-29-2000	Miscellaneous Incoming Letter
06-18-2001	New or Additional Drawing Filed
08-30-2001	Case Docketed to Examiner in GAU
07-26-2001	Transfer Inquiry
07-17-2001	Application Dispatched from OIPE
02-15-2001	Application Is Now Complete
02-15-2001	Notice Mailed--Application Incomplete--Filing Date Assigned
02-14-2001	Correspondence Address Change
01-18-2001	IFW Scan & PACR Auto Security Review
12-29-2000	Initial Exam Team nn

Dispenser for test strips for checking for substances in fluids - has support for stack of strips inside housing and slider displaced by handle from outside

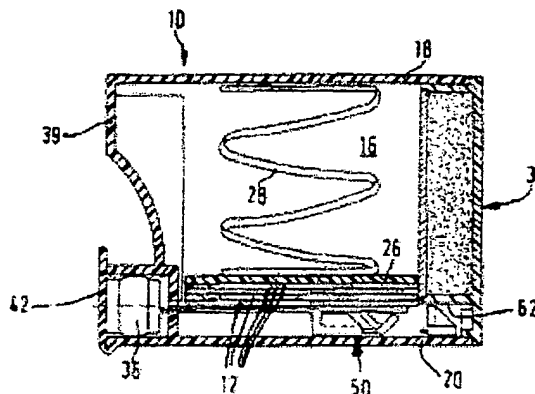
Patent number: DE4205805
Publication date: 1993-09-02
Inventor: OSCHMANN MARKUS DIPL ING (DE)
Applicant: SANNER FRIEDR GMBH CO KG (DE)
Classification:
- international: B65D37/00; B65D83/08
- european: B65D83/08B1B1
Application number: DE19924205805 19920226
Priority number(s): DE19924205805 19920226

Abstract of DE4205805

The housing is sized internally to match the stack of strips (12). The support is mounted at parallel distance from one narrow side and is formed by two strip-like projections (22a, 22b), which each protrude from one of the opposite side walls (16) to form an elongated slit (24) in between.

In the extension of the support (22) in an end side of the housing (14) there is a slit sized so that each lowermost strip in the stack can be pushed through. The slider has an entraining projection which, in the functional position protrudes over the support by the thickness of one strip.

USE/ADVANTAGE - For diabetes blood or urine testing, with moisture-proof design and reliable single strip dispensing.



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Applicant (s): Jean Pierre Giraud Date Mailed: 01/20/04
Application : 09/751,191 Attorney: BJS/rsf

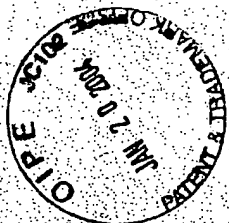
Filed: 12/29/2000 Docket No. 62357.013900

Title: METER STRIP DISPENSER ASSEMBLY

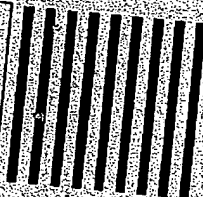
Receipt is hereby acknowledged by return of this postal card properly stamped by the US PTO for the above noted matter of the following:

- (1) Request for Continued Examination (RCE) Transmittal *for preliminary action fees +*
- (2) Fee Transmittal Authorization to Deduct the amount of \$860.00 (\$475.3 mos *charge* ext & \$385 RCE) from the deposit account 501561.
- (3) Petition for extension of time.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Jean Pierre Giraud
SERIAL NO.: 09/751,191
FILED: December 29, 2000
ATTY. DOCKET: 62357.013900
TITLE: METER STRIP DISPENSER ASSEMBLY

EXPRESS MAIL CERTIFICATE

Express Mail Label No. EV 316897969 US

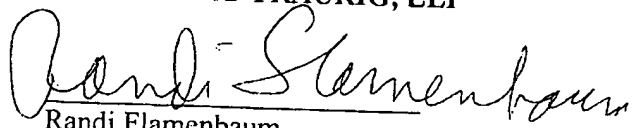
Date of Deposit: January 20, 2004

I hereby certify that the following attached paper(s) and/or fee

- (1) Request for Continued Examination (RCE) Transmittal;
- (2) Preliminary amendment for RCE;
- (3) Fee Transmittal Authorization to Deduct the amount of \$860.00 (\$475-3 mos. Ext & \$385-RCE) from the deposit account 501561;
- (4) Petition for Extension;
- (5) A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents.

are being deposited with the United States Postal Service Express Mail Post Office to Addressee service under 37 C.F.R. Section 1.10 on the date indicated above and is addressed to Mail Stop RCE; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,
GREENBERG TRAURIG, LLP


Randi Flamenbaum
Legal Assistant

Dated: January 20, 2004

CORRESPONDENCE:

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